

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

JOHN ROGERS, )  
vs. )  
Petitioner, )  
WENDY KNIGHT, ) Case No. 1:12-cv-01813-TWP-DKL  
Respondent. )

**Entry Discussing Motion for Reconsideration**

Given the timing of the plaintiff's motion reconsideration relative to the entry of final judgment, and given the arguments set forth in such motion, the motion is treated as labeled and as a motion pursuant to Rule 59(e) of the *Federal Rules of Civil Procedure*. *See Borrero v. City of Chicago*, 456 F.3d 698, 701-02 (7th Cir. 2006) (explaining that whether a motion filed within the time frame contemplated by Rule 59(e) should be analyzed under Rule 59(e) or Rule 60(b) of the *Federal Rules of Civil Procedure* depends on the *substance* of the motion, not on the timing or label affixed to it).

The purpose of a motion to alter or amend judgment under Rule 59(e) is to have the court reconsider matters "properly encompassed in a decision on the merits." *Osterneck v. Ernst and Whinney*, 489 U.S. 169, 174 (1988). Rule 59(e) "authorizes relief when a moving party 'clearly establish[es] either a manifest error of law or fact' or 'present[s] newly discovered evidence.'" *Souter v. International Union*, 993 F.2d 595, 599 (7th Cir. 1993) (quoting *Federal Deposit Ins. Corp. v. Meyer*, 781 F.2d 1260, 1268 (7th Cir. 1986)).

There was no error of law or of understanding Rogers' claim or the evidentiary record. No new evidence has been offered. Accordingly, Rogers' motion to reconsider, treated as a motion to alter or amend judgment [dkt 30], is denied. *Harrington v. City of Chicago*, 433 F.3d 542, 546 (7th Cir. 2006)(“Altering or amending a judgment under Rule 59(e) is permissible when there is newly discovered evidence or there has been a manifest error of law or fact.”)(citing *Bordelon v. Chicago Sch. Reform Bd. of Trs.*, 233 F.3d 524, 529 (7th Cir. 2000)).

**IT IS SO ORDERED.**

Date: 08/02/2013

Tanya Walton Pratt  
Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana

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